UKRAINE: STATEHOOD IN QUESTION

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The dynamics and challenges of state formation in post-Soviet Ukraine can only be understood and appreciated in the context of the history of Ukraine. Its history, like many other nations of Eastern and Central Europe, was marred by failed or circumscribed statehood. Since the period of Kyiv Rus', Ukraine witnessed two attempts to build an independent polity, both of which to some degree succeeded in establishing an institutional infrastructure, controlling territory, winning the allegiance of its population and gaining international recognition. However, there was hardly any temporal or symbolic continuity between those historical reincarnations of statehood; they differed radically in terms of the form of government, territory, and the conception of "the people."

The first, the Cossack Hetmanate, was a pre-modern formation, while, the second, during the Ukrainian Revolution, 1917–1921, not only lasted for a short period of time, but also spawned several different embodiments of the Ukrainian state. Under Soviet rule, Ukraine possessed all of the nominal trappings of sovereign statehood, most notably, a full set of republican institutions, like all other Soviet republics. Yet in reality, the Ukrainian Soviet Socialist Republic was only a hollow institutional caricature of a sovereign state. In the light of discontinuity and diversity of legal and political institutions, Ukraine's history does not lend itself to configuration as linear national history modelled on the Western historical narratives of a nation-state, which tend to be centred on dynastic, institutional– administrative and/or territorial continuities.

Post-soviet Ukraine lacks the 'historical legitimacy' derived from distinct and 'identifiable institutional traditions and stable territorial boundaries. Moreover, there is not much else to pin national history onto, because the church, elites, language, and culture were all damaged, disrupted or destroyed and thus could not serve as firm pillars of national history. As von Hagen asserted, "today's Ukraine is a very modern creation, with little firmly established precedent in the national past."

As a result of its history, Ukraine emerged as an independent state in 1991 with incompletely articulated and competing 'grand narratives' of its past, which glorified conflicting political traditions and historical periods, either pre-communist or Soviet. While few states in Central and Eastern Europe have an unblemished historiographical legitimacy by (ethnocentric) Western standards, the case of Ukraine is particularly complex and interesting because of, firstly, the multiple historical ruptures and, secondly, the advanced erosion of memories of pre-communist statehood. Both of these issues raised the vexed question of what exactly the indigenous political tradition was that Ukraine should embrace upon gaining independence in 1991. History left the elites in post-Soviet Ukraine with a Pandora's box of constitutional choices when it came to defining the conception of statehood in institutional, territorial

and national terms. In particular, the significance of the Soviet rule in Ukraine's history proved difficult to define with any degree of consensus.

From Kyiv Rus' to the Hetmanate

The meaning of the name Ukraine, literally "borderland," reflects its location on the borders of other states, which dominated that part of Europe over the centuries after the disintegration of the first state on the territory of today's Ukraine—Kyiv Rus'. In the tenth century the Kyivan Rus' patrimony fostered contacts with Byzantium and converted to Christianity. After the schism within Christendom in 1054, Rus' became confined to a domain of Orthodox Slavic people. Following the death of Prince Yaroslav the Wise, Kyiv Rus' disintegrated into many principalities, amongst which the Galician principality to the west was the most powerful. After its demise in 1340 Galicia was incorporated into the Polish state. At the same time, the remaining territory of Kyiv Rus' fell pray to a Mongol invasion. Undoubtedly, the topography of Ukraine—the flat steppes, which posed no natural boundaries— accounts for the ease and frequency with which the territory of Ukraine was plundered and conquered over centuries, as Ukraine turned into a battle ground for domination by the states which surrounded it, such as the Grand Duchy of Lithuania, the Ottoman Empire, the Polish– Lithuanian Commonwealth, the Crimean Tatar Khanate, Moscovy, the Russian empire, and the Habsburg empire.

Apart from the Mongol devastation, in the fourteenth centuries Ukraine was incorporated into the Grand Duchy of Lithuania to the north, which was simultaneously coming closer to Poland. The dynastic union of Krevo in 1385 between Lithuania and Poland was followed by the 1569 Union of Lublin, which created the Polish–Lithuanian Commonwealth (*Rzeczpospolita*). The exposure to the gentrified republic resulted in Ukraine's Polonisation and conversion to Catholicism. This conversion was institutionalised in the Union of Brest in the 1596 when the Uniate Church was created, which recognised the authority of the Pope, but retained Eastern rites. However, as Poland was not strong enough to defend its eastern borders, it had effective control only of the Right Bank of Dnieper. The Left Bank, the so-called "wild fields," witnessed the rise of a distinctive socio-political formation—the Zaporizhian Host. The ranks of free Cossack warriors swelled from the influx of peasants who had run away from their masters against encroaching serfdom from Polish Ukraine; as Subtelny pointed out: "in newly colonised Ukraine, some of Europe's most exploitative feudal lords confronted some of its most defiant masses."

In 1648, Cossack Hetman Bohdan Khmelnytskyi staged a Great Revolt against Polish landlords, inspired also to defend Orthodoxy again Catholic expansion and the autonomous political formation—the

Cossack Host—was established on both banks of the Dnieper. Unable to win the war with Poland without help, Khmelnytskyi looked for an ally and in 1654, the Union of Pereiaslav was signed between the Cossack Host and Russia, according to which the Cossacks recognised the authority and obtained the protection of the tsar and the Host joined Russia as an autonomous entity. However, more military struggles followed, and the Treaty of Andrushevo of 1667 split Ukraine: the Left Bank—the so-called Hetmanate—went to Russia, while Poland retained the Right Bank.

In eighteenth century Russia, the Hetmanate developed a separate political identity underpinned by a unique system of government, liberties and rights, which facilitated an emergence of a distinctive Little Russian identity.4 However, the Hetmanate could not survive the strengthening and centralisation of the Russian state and political and cultural differences between Little and Great Russia were gradually ironed out. In 1720 Peter the Great prohibited the publication of books in Ukraine other than religious ones. In addition to halting the development of Ukrainian national culture, which had thrived in the sixteenth and seventeenth centuries, this retarded Ukraine, in comparison to Russia, in the development of a modern secular culture. In 1775 the Cossack Sich on the Dnieper was destroyed, followed by the abolition of the Hetmanate in 1783 by Catherine the Great.

The subsequent integration of the Ukrainian elites (*starshyna*) into the Russian nobility led to the loss of their distinct Little Russian identity, as they took advantage of new career opportunities within the Russian states. By 1820s, the *starshyna*—the main carrier of a Little Russian identity—was Russified and the peasantry was fully enserfed. By the early nineteenth century, Ukraine's role as a bridge between the West and Russia came to an end, and Ukraine effectively turned into a province within the Russian empire. Although the Cossack Sich—in the form of the Hetmanate—could survive only under protectorate of a more powerful state, Ukraine developed a distinct political and administrative entity, which survived the best part of the eighteenth century. The Sich and the Hetmanate served as a fertile ground for cultivating glorifying myths of a national liberation struggle and a concerted aspiration for national autonomy, which were apparently frustrated by the tsars' breach of the Pereiaslav Agreement.

However, the legacy of Cossackdom cannot be easily moulded into the "tradition of statehood." The stabilisation of the Hetmanate associated with the transformation of the Cossack s*tarshyna* into gentry contrasted with the anarchistic-individualistic tradition of the Sich and the Haidamak movements, which exemplified a rebellion against the emergence of the modern, centralised state.

The Cossack tradition did not provide an equivocal design for the institutional framework of a modern

state. The Hetmanate combined republican and monarchical traits, as a collective deliberative body (Heneralna Rada, and then Rada Starshykh) co-existed with powerful Hetmans. As such this form of government has been interpreted both as a precursor of a presidential system, in which powers are concentrated in a chief executive, and the government by assembly. But even if mythologised as "the tradition of state building," the Russification of the Cossack *starshyna* and the strangling of the autonomy of the Hetmanate meant that this episode in the history of Ukraine did not provide the basis for modern Ukrainian statehood.

Beyond the realm of myths and symbols, the actual impact of the Cossack state on the future make-up of the Ukrainian state, in terms of institutional and legal traditions was minimal, with the exception of the intermittent conservative regime of Hetman Skoropadskyi in 1918. In the context of the discontinuity which followed the Cossack period, the intellectual aspirations to political trappings of statehood in Ukraine cannot be traced back firmly beyond the mid-nineteenth.

Ukraine's National "Awakening" in the Nineteenth Century

Following the partitions of Poland in 1772, 1793 and 1795, the political subordination of Ukraine changed once again. Right-bank Ukraine (Kyiv, Podila, Volynia) was transferred to Russia, hence "re-joining" Left-bank Ukraine, while Galicia became part of the Habsburg Empire. As the modern Ukrainian national movements incubated in parallel in two empires, they developed different traits as a result of diverse political, cultural and socio-economic conditions.

The rise of the modern Ukrainian national movement in the tsarist empire can be conceptualised by using the scheme developed by the Czech historian Miroslav Hroch. Despite its shortcomings, for the purpose of this study, the scheme serves as a useful analytical tool for succinctly outlining developments. Hroch distinguished three phases in the process of national awakening of non-dominant ethnic groups in Eastern Europe: academic, cultural, and political. In the academic stage, from the 1820's onwards during the so-called Ukrainian Revival, scholars developed an interest in the culture and language of the peasantry, albeit without any defined and articulated political goals.

In the second, cultural stage, a new type of activist embarked on agitation of the 'ethnographic masses' in order to win them over to the national cause. In Ukraine, the populists, who rejected the primary historical role of the nobility (especially as by then the Cossack *starshyna* had been assimilated into the Russian landlord class)11 focused on the masses as an engine of human progress. The work of artist

Taras Shevchenko (1814–1861), a redeemed serf, played a pivotal role in this phase. In his writings, Shevchenko used the Ukrainian vernacular to tell of past glories and the present ignominy of Ukraine and its people under foreign yoke.

By the middle of the nineteenth century, the predominantly cultural activities of the populists had developed a political vein. The clandestine Cyrillo–Methodian Society of 1846–1847 and the Hromady in the 1850–1860's combined populism with demands for cultural autonomy. These political ideas, however moderate, had little resonance beyond a narrow group of urban intellectuals. According to the 1897 census, 93 percent of Ukrainians were peasants, in Kyiv 54 percent of the population were Russians, and only 22 percent Ukrainians. There was hardly any Ukrainian bourgeoisie in Left-bank (that is territories to the east of the Dnieper) Ukraine. While the nascent working class was predominantly Russian and Jewish, ethnic Ukrainians—impoverished, peasant, illiterate, passive, and parochial—were not receptive to ideas of national revival and the assertion of cultural rights.

The cultural stage of the development of national consciousness was frustrated by the slow modernisation under tsarist rule and political repression. The process of raising the national awareness of the masses was given a crushing blow in the 1860–1880s in the form of the banning of the Ukrainian language in the public domain, including schools and publishing. Thus, economic backwardness, the repressive policies of the tsarist regime, and the underdevelopment of the educational and cultural infrastructure seriously thwarted the emergence of third stage—the politicisation of the masses in support of national autonomy. Throughout the second part of the nineteenth century, the nascent intellectual elites in tsarist Ukraine grappled with the conception of 'the Ukrainian people'. They oscillated between the assertion that Ukrainians were a branch of one people (Russkiy narod), who developed a distinct culture because of their different historical experiences (Mykola Kostomarov, 1817–1885), and the more radical assertion that Ukrainians had distinct roots from Russians (Mykhailo Hrushevskyi, 1866– 1934).

Despite these differences, the intellectuals adhered to the federalist model of statehood, in which Ukraine would be one of the constituting units. This model was most fully formulated in the writings of Mykhailo Drahomanov (1841–1895) who advocated the transformation of the Russian Empire into a democratic, constitutional republic composed of twenty states; the territory of Ukraine was to be organised into four states. As a committed socialist-anarchist Drahomanov doubted the role of the state in securing individual freedoms, and thus rejected the Western European model of a centralised nation-state for democratised Russia in general and Ukraine in particular. In Drahomanov's view,

federalism would ensure not only the optimal conditions for Ukraine's national emancipation, which the centralised tsarist state hampered, but would also realise the universal principle of the individual freedom and autonomy.

In contrast to the proponents of federalism, by the turn of century, the advocates of separatism, that is supporters of outright independence for Ukraine (*samostiinist*), such as Mykola Mikhnovskyi, Viacheslav Lypynskyi and Dmytro Dontsov were in a minority in "Russian" Ukraine, although they were stronger in Galicia. The obstacles to the development of national movement, however, were not as pronounced in Galicia, which was incorporated into the Habsburg Empire at the end of the eighteenth century, where Ukrainians were known as Ruthenians.

Although the level of socio-economic development was the same or even lower than in tsarist Ukraine, the Crown provinces of Galicia and, to a lesser extent, Bukovina, benefited from the fledging practices of parliamentarism (after 1867), an educational system in Ukrainian, religious freedoms, the right to use Ukrainian in state institutions, they also developed specifically Ukrainian institutions such as economic co-operatives, reading societies, newspapers, etc. In Eastern Galicia ethnic and religious divides coincided with the key social cleavage, as the Polish landlords ruled the Ukrainian peasantry. As a result, the Ukrainian national movement developed in fierce opposition to Poles (but in loyalty to Vienna). Despite some confusion over the issues of identity in Eastern Galicia, independent statehood (*samostiinist*) was declared the objective of the Ukrainian national movement once Austria–Hungary crumbled, and Ukrainian nationalists encountered competing Polish claims to Eastern Galicia.

The Ukrainian Revolution, 1917-1921

The collapse of the empires in the course of the First World War presented the Ukrainian elites with a long-awaited chance to realise their socio-economic and political ideals. Yet the international context and the divisions between the elites led to a creation of a string of successive governments: the Central Council, the Hetmanate, the Directory in Dnieper Ukraine, and the Western Ukrainian People's Republic in Galicia (Halychyna). While all of them claimed to embody Ukrainian statehood, the relations between them were often full of tensions. The period of the Ukrainian Revolution will be briefly presented below in order to argue that the political, military and social context impacted on the attempt at state building to the extent that it is difficult to define the pre-communist tradition of statehood with a high degree of precision.

Taking into account the ideological profile of the Ukrainian elites, separatism was not on the cards, when in the aftermath of the February revolution, in March 1917, the Central Council (Tsentralna Rada) was created in Kyiv by the prominent Ukrainian populist and socialist intellectuals and activists, such as Mykhailo Hrushevskyi, Volodymyr Vynnychenko, Serkhiy Yefremov, and Semen Petliura.17 The Rada, which turned itself into a representative body in the summer of 1917, competed for power with the Bolsheviks and the Provisional Government in Ukraine.18 In April 1917 the Ukrainian elites called for the federalisation of the Russian state with Ukraine as one of its autonomous units.

Following the October Revolution, in its Third Universal (November 1917), the Central Council proclaimed the creation of the Ukrainian People's Republic (UNR) which was to be joined by federal ties to democratic Russia. It was only the military offensive of the Bolsheviks on Kyiv that forced the Ukrainian elites to accept that "a complete breakup of the Russian imperial state was a more realistic goal than its democratisation and federalisation, and that for Ukraine the alternatives were, indeed, either independent statehood or national annihilation."

In January 1918 in its Fourth Universal the Rada proclaimed full independence of Russia. However, this accelerated radicalisation of the Ukrainian national movement was not backed by the institutional and human resources necessary to turn proclamations into reality. In particular, the Ukrainian leaders, inexperienced and idealistic as they were, failed to appreciate the need for establishing state institutions and an army to defend its territory. This proved to have pivotal consequences as soon as Ukraine became a theatre of numerous military interventions.

Despite the fact that the Bolsheviks lacked popular support in Ukraine (their power base was limited to the Russian working class), they had a competitive advantage over the Rada thanks to their military, industrial, and organisational superiority. The Bolsheviks refused to recognise the "bourgeois-nationalist" UNR as a legitimate government of Ukraine and staged a war against the new Ukrainian state. In turn, the Central Powers (Germany, Hungary, Bulgaria and Turkey) recognised the UNR and signed a separate peace treaty in Brest in February 1918. Under the pretext of assisting the UNR against the Bolsheviks, the Germans entered Ukraine in April 1918 and triggered the fall of the Rada on 30 April 1918 (on the very day when the Constitution of the UNR was debated).

Under German tutelage power was taken over by the conservative Hetmanate led by a descendant of a Cossack Hetman, General Pavlo Skoropadskyi, who was supported predominantly by Russified and Russian landowners. Having announced the creation of the "Ukrainian State" (*Ukrainska Derzhava*), he

assumed the role of the Hetman. However, following the defeat of Germany and Austro–Hungary and Skoropadskyi's decision to enter a federal treaty with (non-Bolshevik) Russia, the Hetmanate was overturned seven months later. The UNR was restored when a new Ukrainian government, the Directory (Dyrektoriat), emerged in November 1918 led by, among others, social-democrats Volodymyr Vynnychenko and Symon Petliura. Soon Petliura assumed the role of Chief Otaman of the republican army in order to lead a military struggle on several fronts. However, mass support for the UNR and revolutionary vigour of the peasantry had evaporated by early 1919, and anarchy and chaos swept Ukraine, with the Bolsheviks, Whites, Denikin, anarchist Makchno and the Ukrainian troops moving across and fighting on its territory.

In Western Ukraine, in November 1918, the collapse of Austro– Hungary prompted the creation of the Western Ukrainian People's Republic (ZUNR), under the leadership of Yevhen Petrushevych. The ZUNR immediately clashed with Poles who voiced competing claims to Eastern Galicia, and the resulting war with Poland engulfed the larger part of the province. Apart from military actions against the ZUNR, the Polish army simultaneously fought the army of Petliura in Volynia. Thus, before the Directory's troops were expelled from Kyiv by the Bolsheviks in January 1919, Ukrainian forces consolidated to fight the common enemies.

On 22 January 1919 unification of the UNR and the ZUNR was proclaimed in Kyiv in the "Act of Unity" (*Akt Sobornosti*). The concept of *Sobornist'*, which until then referred to the ecclesiastical unity of the Orthodox Church, came to denote the unification of all historical Ukrainian territories into one state. The enlarged Ukrainian state was to be a quasi-federal as Galicia was to maintain its autonomy as a Western Ukrainian Oblast of the UNR (ZOUNR). Yet the scope of this autonomy remained undefined, as actual unification never took place, because of the military struggle on the one hand, and the profound ideological and cultural rift between the revolutionary Dnieper elites and more conservative, legally-minded and nationalist Galician leaders, on the other.

The weakness of Ukrainian forces and their military defeats against the Bolsheviks prompted Petliura to enter an alliance with Poland at the cost of conceding Galicia. According to the Treaty of Warsaw in April 1920, the UNR renounced its authority over Eastern Galicia in favour of Poland in exchange for military help against the Bolsheviks, which by that time had instituted their government in Kharkiv. The treaty was interpreted as treason by Western Ukrainians, who, in retaliation broke off their alliance with Petliura. The joint Ukrainian–Polish forces failed to win their war with Bolshevik Russia, and the Treaty of Riga of 1921 between Poland, Russia and the Soviet Ukraine confirmed the division of Ukraine along the

lines defined in the Treaty of Warsaw, which conceded Eastern Galicia and Volynia to Poland.

The bitter disillusionment with the failure to secure independence over 1917–1921 steered some sections of the Ukrainian elites towards an indigenous strand of integral nationalism, the leading ideologist of which was Dmytro Dontsov. It is beyond the scope of this section to debate the causes of the ultimate failure of a state building project. In general, this failure has been attributed to a lack of social basis and incompleteness of the sociological nation; a lack of experience, procrastination, indecisiveness and internal divisions amongst the revolutionary elites; and the ideology of the elites, and neglect of institution building coupled with a lack of international support.

Yet the UNR, the existence of which was punctuated by the regime of Hetman Skoropadskyi in 1918, represented not only the first consolidated effort to organise a Ukrainian state in the modern era, but also a particular framing of statehood, which was nurtured by the conjunction of particular historical, political, socioeconomic and cultural circumstances. In contrast to a centralised, autocratic tsarist regime, the UNR embodied aspirations to radical parliamentarism, decentralisation, and the pluralist conception of a political community. And the socio-economic plight of Ukrainian society shaped the socialist and social-democratic ideas on the state's role in the socioeconomic transformation. However, the latter ideas were not shared by the Western Ukrainian elites, something that prevented the coming together of the elites from Galicia and Dnieper Ukraine to build a *Soborna Ukraina*.

The conceptions of statehood, embracing an institutional framework, territorial model and notion of the political community, which were put forward in the period of 1917–1921, will be analysed in more detail below. It will be shown that even if any particular institutional design is difficult to pin down because of disruptions, the overarching principles guiding the Ukrainian leaders can be asserted with some clarity. The principles, however, did not find much support when the renewed state building project was embarked on in 1991.

The Ukrainian Soviet Socialist Republic, 1919-1991

Despite the unmitigated failure to set up an independent state in 1917– 1921, the endeavour advanced the cause of Ukrainian statehood; it compelled the Bolsheviks, who from 1919 onwards consolidated power in Ukraine, to recognise these aspirations. The strength of the centrifugal forces unleashed in the peripheries of the tsarist empire prompted the Bolsheviks to take on the federalist principle of Austro–Marxism; they first set up an "alliance" and then a "union of states," which in addition to Russia

included national republics created of former borderlands of the Russian empire. In order to accommodate the fledging national sentiments of non-Russians in the new state, amongst others Ukrainians were granted their own ethno-territorial homeland—a Soviet Socialist Republic—as:

> [T]he embodiment of a compromise between Ukrainian nationalism and Russian centralism—of course not in the sense of a formal, negotiated agreement but rather of a de facto balancing of antagonistic social forces, neither of which was strong enough to assert itself completely.

After two unsuccessful attempts to gain control over Ukraine in 1918 and 1919, the third Soviet Ukrainian government was established in December 1919. The 1919 constitution passed by the Soviet Ukrainian government in Kharkiv guaranteed the sovereignty of Soviet Ukraine and the right to conduct an independent foreign policy. Although the 1920 Treaty between Soviet Ukraine and RSFSR established an economic and military union, and Ukraine surrendered some commissariats to RSFSR, it was still defined as a sovereign and independent republic with rights to maintain direct diplomatic relations with other states.

On the basis of the 1919 constitution, the Ukrainian SSR acted as a constitutive member of the Soviet Union in December 1922, when the treaty was signed by the representatives of the Russian, Belarussian, Transcaucasian and Ukrainian Soviet Socialist Republics, as a result of which the Union of Soviet Socialist Republics came into being. Alongside many ethnic groups in the borderland of the tsarist empire, Ukrainians were endowed with all the nominal trappings of statehood but denied sovereignty.

The subsequent republican constitutions of 1926, 1937 and 1978 defined Ukraine as a "sovereign republic," while the constitutions of the USSR declared that "every union republic shall retain the free right to secession from the USSR" (article 13 of the 1936 constitution and article 72 of the 1977 constitution of the USSR).

The republic was equipped with a complete set of legal and administrative institutions. Moreover, perpetuating the façade of independence, together with Belarus, Ukraine was also granted membership of the United Nations in 1945. Like all other republics, Ukrainian sovereignty was a constitutional figure of speech. The new constitutions of the UkrSSR of 1926, 1937 and 1978 were duly adopted after the passage of the Constitutions of the USSR (in 1924, 1936 and 1977),44 and all the

constitutional texts were drafted under the instructions from the centre.

Moscow provided all Soviet republics with an almost identical template of administrative, economic and cultural institutions, such as ministries, academy of sciences, writers' unions, etc. The republican sovereignty was circumvented by removing decision-making powers from the republican institutions and vesting them with the Communist Party of Ukraine, which constituted an integral part of the Communist Party of the Soviet Union in accordance with the principle of democratic centralism. But quite apart from the omnipotent role of the Communist Party, the constitutional provisions explicitly asserted the supremacy of the Union centre over the republics.

Republican institutions, including the Supreme Council, were subordinated to All-Union institutions, which had authority to override the decisions of the republican institutions. The 1936 and 1977 constitutions of the USSR included a provision that 'in the event of divergence between the laws of the union republics and a law of the Union, the Union law prevails' (arts. 20 and 74, respectively), while the 1978 constitution of the UkrSSR asserted that 'the economy of UkrSSR forms an integral part of one economic system, which encompasses all aspects of social production, distribution and exchange on the territory of the USSR' (art.16). The constitutional subordination of Soviet Ukraine to the Union, and the monopolisation of decision-making process in the Party rendered Ukrainian sovereignty a constitutional fiction. Because of the largely nominal character of the constitutions of the Ukrainian Soviet Socialist Republic, Sliusarenko and Tomenko, the editors of the post-Soviet compilation of Ukrainian constitutional acts, concluded

> All four constitutions of the Soviet Ukraine were political documents and were drafted in the ideological departments of the Central Committee of the CPSU. Taking this into account, as well as Ukraine's status of quasi-state these [Soviet] constitutional acts can be included in the category of the fundamental laws of the state only with great caution.

Nevertheless, even if the Ukrainian SSR can be defined as a pseudostate at best, it shaped the identity of independent Ukraine in institutional, territorial and national terms. While the Ukrainian Revolution lasted effectively for 4 years, Soviet rule in Ukraine spanned seven decades and left an enduring imprint on society and its political structures.

Territorial Changes and Administrative Division

The Soviet Union created a highly centralised model of statehood. Under Soviet rule, the bulk of ethnographic Ukrainian territories were unified for the first time within the boundaries of the Ukrainian SSR. The republic was initially made up of nine gubernias of the Russian empire: Kyiv, Podila, Volynia, Chernihiv, Poltava, Kharkiv, Katerynoslav, Kherson, Taurida, but without Crimea (that is the territory claimed by the UNR in the Third Universal of July 1917), and it also included some western districts of the Don Army province. In 1924 the Autonomous Socialist Republic of Moldova was created of several raions adjacent to the border with Romania, while some territorial adjustment in favour of the Russian SFSR were made in 1925.

In September 1939 Western Ukraine was annexed by the USSR, as a consequence of the Ribbentrop–Molotov pact, and on 1 November it was officially incorporated into the Ukrainian SSR.51 In 1940 Northern Bukovina and Southern Bessarabia became part of the UkrSSR, while the rest of Bessarabia formed the Moldovan SSR. In 1945 Transcarpathia (also known as Subcarpathia or the Carpathian Rus') was conceded to Ukraine in a treaty with Czechoslovakia. As result of the 1939–1945 border changes the following oblasts were created: Lvivska, Volynska, Rivenska, IvanoFrankivska, Chernivetska, Ternopilska, Akermanska (Izmail), and Zakarpatska.52 The formation of present day Ukraine was completed with the transfer of the Crimean Oblast (which until 1945 was the Crimean Autonomous Socialist Republic) in 1954.

After 1954, the Ukrainian SSR consisted of 25 oblasts and 2 cities of republican subordination—Kyiv and Sevastopol. Oblasts were purely territorial–administrative units and did not correspond to historical regions. Oblasts were further divided into districts (raion), cities (which were further divided into raiony), and rural settlements.53 Each of those territorial units was represented in a soviet (rada). As pointed above, there was no conceptual distinction between local, territorial and central government as the Soviet Union adhered to the so-called state theory of self-government, and the local and territorial governing bodies formed an integrated part of the state apparatus. In contrast to the Western state tradition of self-government, the councils combined the functions of self-government with state powers, something that effectively denied their autonomy from the central authorities.

The Political Community

The Soviet regime in Ukraine constructed a complex, but essentially contradictory notion of the political community in attempt to reconcile class, ethnicity and territory as the markers of the political community in each republic. The four constitutions of the Soviet Ukraine (1919, 1926, 1937 and 1978)

adhered to territory and class rather than ethnicity as the main criteria: "Ukraine (was) a state of all people, expressing the will and interests of the workers, peasants and intelligentsia: the working people of all nationalities of the Republic" (1978 Constitution of the UkrSSR).

At the same time, ethnicity was recognised as an important social category by the very formation of the UkrSSR, as Ukrainians were a titular nationality of a national–territorial administrative unit, after which that unit was named, and enjoyed some privileges conferred by the centre on titular majorities in the Soviet republics. Nationality was also institutionalised at a personal level as an ascriptive, legal category. It was fixed regardless of the place of residence, and, as such, acquired an extra-territorial, ethno-cultural dimension. Thus, as Brubaker argues the Soviet Union institutionalised two distinct models of nationhood: territorial/political and personal/ethnic.

While these categories were overlapping, they were never made fully congruent, as representatives of one nationality did not reside only in their 'titular' republics. The UkrSSR was not inhabited exclusively by Ukrainians, and Ukrainians lived in other Soviet republics. Yet the lack of congruence between the ethno-cultural and territorial models did not matter because of the largely symbolic nature of the republican, territorial boundaries. The constitutional fiction of sovereignty made Ukraine's political community only nominally 'national' and fully submerged in the wider community of the Soviet People (*Sovietskyi narod*). However, once the republican boundaries acquired political significance, this dual conception of a political community could not be sustained and a choice had to be made. The question of what united and turned citizens of independent Ukraine into 'the people', and the related questions of attributes of the state, such as state language, symbols, minority rights, proved to be highly sensitive and contentious.

Conclusion

When new states emerge, their apparent newness tends to be underplayed by stressing the historical roots of a new polity; any preceding tradition of statehood, however short and circumstantial, is flagged up in order to boost the historical legitimacy of a new polity and dissipate an image of an artificial construct. Thus, the national past becomes a cognitive point of reference in the renewed process of state building and is often explicitly evoked (most tangibly in the Preamble of constitutions).

The predicament of Ukraine was that its different parts had different pasts. As it was variously ruled by other states, such as the Polish–Lithuanian Commonwealth, the tsarist Russia, the Habsburg empire,

inter-war Poland, Hungary, and Czechoslovakia, prior to 1954 Ukraine did not exist as a state within its current borders under a uniform set of institutions. Moreover, the indigenous tradition of Ukrainian statehood in the pre-communist period was multivocal as was seen by the Ukrainian People's Republic, Skoropadskyi's Hetmanate, and the Western Ukrainian People's Republic. Their existence was cut short by the formation of the Ukrainian Soviet Socialist Republic.

The UkrSSR was nominally conceived as a sovereign state, with a fully blown institutional edifice, yet it was a skeleton state with no life of its own and was animated by Moscow. And despite their temporal succession, the UkrSSR was cut off from the traditions of the UNR. Any historical continuity was denied and throughout Soviet rule, the UNR was depicted as a creation of the "Ukrainian bourgeois nationalists," in spite of the socialist and social-democratic orientation of its leaders.

Also, in terms of institutional design and Marxist–Leninist ideology, Soviet rule spelled a marked departure from the parliamentary, decentralised, and pluralistic traditions of the UNR. Thus, the twentieth century developments were marred by the kind of discontinuity, which characterised Ukraine's earlier history. With its multiple and disjointed pasts, there were multiple sources of cognitive reference for constitution-makers in post-Soviet Ukraine.

The demise of the USSR posed the question of the historical pedigree of the new state, and made any kind of restoration of pre-communist models in post-Soviet Ukraine onerous. Thus, Ukrainian state building, as reflected in the constitution making which started on the eve of independence, entailed the contest and reconciliation of alternative visions of an idealised political order, which were inspired by different interpretations of the Ukrainian pre-communist and communist past.

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